

United States Bankruptcy Court
Eastern District of Pennsylvania

In re Andri L Council, Jr.

Case No.

22-10464/pmm

Debtor

Chapter

13

MOTION FOR RECONSIDERATION OF ORDER DISMISSING
DEBTOR'S CHAPTER 13 CASE AND FOR
REINSTATEMENT OF DEBTOR'S CASE

Debtor, Andri L. Council, by his counsel, Bradly E. Allen files this Motion pursuant to Bankruptcy Rule 9024 and avers the following:

1. Debtor filed a Chapter 13 Bankruptcy Petition on February 25, 2022 to stay a Sheriff Sale which had been scheduled to sell Debtor's house.
2. Debtor's Chapter 13 Plan was confirmed on December 6, 2022.
3. Debtor fell behind on his Chapter 13 Plan payments due to two issues that occurred which affected Debtor's income. The first issue was that Debtor's dog died in December of 2022. As a result, Debtor had incurred Vet bills and burial expenses of approximately \$3,500.00. The other issue that arose was that Debtor's business temporarily slowed down around the same time frame. Both of these situations resulted in Debtor falling behind on his Chapter 13 Plan payments and this case was dismissed on April 25, 2023.
4. Debtor's arrears on the date his case was dismissed were \$7,350.00. Debtor had obtained certified funds in the amount of \$3,200.00 to pay to the trustee. However, Debtor did not communicate to his attorney that he had the \$3,200.00 for the trustee until the morning of the hearing. He had tried to reach Debtor's counsel by telephone; unfortunately, Debtor's counsel was handling a trial that morning and was unable to return Debtor's call until after the Dismissal hearing took place. Debtor has advised counsel that he will have the balance of the trustee arrears to bring his trustee payments current for the hearing scheduled on Debtor's Motion For Reconsideration.
5. It would be unfair to Debtor if his case was not reinstated since Debtor fell behind on his trustee payments due to circumstances beyond his control and was making an effort to come up with the necessary funds to bring his trustee payments current. In addition, if Debtor's case is not reinstated, then the foreclosure sale on his house will be rescheduled.

WHEREFORE, Debtor, Andri L. Council respectfully requests that this Honorable Court grant his Motion for Reconsideration and to Vacate the Order of Dismissal entered on April 25, 2023.

Dated: May 5, 2023

/s/Bradly E. Allen, Esquire
Bradly E. Allen, Esquire
Attorney for Debtor

**United States Bankruptcy Court
Eastern District of Pennsylvania**

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ORDER

AND NOW, this _____ day of _____, 2023 upon consideration of Debtor's Motion For Reconsideration of Order Dismissing Debtor's Chapter 13 Case and For Reinstatement of Debtor's Case it is hereby;

ORDERED and DECREED that Debtor's Motion For Reconsideration of Order Dismissing Debtor's Chapter 13 Case and For Reinstatement of Debtor's Case is granted; it is further ORDERED that the Court Order entered on April 25, 2023 dismissing Debtor's Chapter 13 Bankruptcy case is Vacated and Debtor's Chapter 13 Case is hereby reinstated.

Dated: _____

BY THE COURT:

**HONORABLE PATRICIA M. MAYER
United States Bankruptcy Judge**